

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER JOSHUA LABRECK,

Plaintiff,

Case No. 11-11328

v.

Hon. John Corbett O'Meara

PAUL ANTHONY ESPOSITO, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

Before the court is Magistrate Judge Mark A. Randon's October 7, 2013 report and recommendation. Plaintiff filed an objection on October 11, 2013.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Having reviewed the motion papers, report and recommendation, and Plaintiff's submission, the court agrees that Plaintiff cannot maintain his § 1983 claim as a matter of law against the remaining Defendants, because they are not state actors.

Accordingly, IT IS HEREBY ORDERED that the magistrate's October 7, 2013 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Defendants' motion for summary disposition [Docket No. 47] is GRANTED, consistent with the report and recommendation.

s/John Corbett O'Meara
United States District Judge

Date: October 31, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 31, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager